

Criminal Justice Steering Committee  
August 31, 2011  
Rhode Island Department of Administration  
Conference Room C  
One Capitol Hill  
Providence, RI 02908

**1. Call to Order/Welcome:**

Chairman A.T. Wall welcomed everyone and opened the meeting at 8:40 a.m. Director Wall noted that a quorum was present. Introductions were made.

**Present:**

A.T. Wall, Director, Rhode Island Department of Corrections, Chair (voting member)  
The Honorable Alice B. Gibney, Presiding Justice, Superior Court of Rhode Island  
(voting member)  
Public Defender John Hardiman, Office of the Public Defender (voting member)  
Colonel Steven G. O'Donnell, Rhode Island State Police (voting member)  
Director Craig Stenning, Behavioral Healthcare, Developmental Disabilities, and  
Hospitals (voting member)  
Assistant Attorney General Stacey P. Veroni, Rhode Island Department of Attorney  
General, representing Attorney General Peter Kilmartin (voting member)  
Major James G. Pereira, Rhode Island State Police/Rhode Island Department of Public  
Safety (voting member for Colonel Steven G. O'Donnell\*)  
Ms. Danica Iacoi, Rhode Island Department of Public Safety Legal Counsel  
Mr. Joseph V. Conley, Superior Court of Rhode Island  
Ms. Jennifer Olivelli, Supreme Court of Rhode Island  
Ms. Deborah Marisi, Rhode Island Department of Corrections  
Mr. Anthony Robinson, Rhode Island House of Representatives  
Mr. Thomas Mongeau, Public Safety Grants Administration Office  
Mr. David LeDoux, Public Safety Grants Administration Office

**2. Approval of June 29, 2011 Minutes:**

See below.

**3. Discussion of FY 2011 Edward Byrne Memorial Justice Assistant Grant Program:**

Director Wall stated that there have been lengthy discussions regarding the allocation of these funds. He asked Mr. LeDoux to summarize the responses he received on the five scenarios he developed and distributed to the committee.

Mr. LeDoux referred to the handout that summarizes Steering Committee members' recommendations (Attachment 1). He explained the five funding scenarios.

- Scenario 1 eliminates/constrains newest projects and disallows new projects
- Scenario 2 eliminates oldest projects and disallows new projects
- Scenario 3 phases out oldest projects, partially supports newer projects and disallows new projects
- Scenario 4 phases out all older projects by early 2012, allows one new project
- Scenario 5 Steering Committee calls for an RFP and Review Committee

Mr. LeDoux explained that Scenario 4 considers carryover funds and the number of quarters of the year a project could continue to operate. This would give every program some funding.

He stated that if this body is not able to come to a decision, Scenario 5 would ask an independent review committee, comprised of reviewers who do not have a proposal being considered, to make the recommendation to forward to the Policy Board. He stated that when stimulus money was available, five people reviewed full proposals and ranked them. If the Steering Committee agrees on this scenario, he would then need full proposals for each project.

Mr. LeDoux distributed the Summary of the 2009 Byrne/JAG Stimulus Funding Survey (Attachment 2) and the resulting rankings by the review board (Attachment 3) for informational purposes. He stated that today this body is considering 2011 formula funds only. This year there is \$539,500 to distribute. He reminded the committee that next year there will be even less money to fund projects, so there will be additional cuts to programs at that time.

Director Wall said there are not any good options and that the committee will have to try to find a way to make this work. He asked for suggestions on how to resolve this. He said:

- One option would be to vote along the lines of the summary sheet by Steering Committee members. Four Steering Committee members responded. Two recommended Scenario 1, one recommended Scenario 2, and one recommended Scenarios 2 and 3.
- A second option would be for members of the Policy Board, who do not have a funded program but are invested in this work, to review the recommendations and make the decision.
- A third option would be for each program to take an equal percentage cut.
- A fourth option would be to ask the full Policy Board to make the decision.

Director Wall asked for other ideas from the Committee.

Public Defender Hardiman stated that there were five Policy Board members who were on the 2009 review committee, but this body does not have the all the paperwork from their recommendations, other than their decisions. Director Wall noted that he did not think that this committee needed to be constrained to repeat the recommendations made two years ago. We are looking for a process that can work today for these circumstances.

Public Defender Hardiman said it was his understanding from the meeting with Johnson & Wales that the planning process that they would be developing would not be

available for this planning process, but that he believed the committee agreed to use the planning process from 2009 for this year.

Director Wall asked if the committee preferred to have the review committee from 2009 reconvene and make these funding decisions. Director Stenning added that the funding scenarios distributed only look at projects that are either old or new, but do not consider the value of the project.

Director Wall stated that the Johnson & Wales strategic planning process is not ready for use at this time. Colonel O'Donnell reminded the committee that Byrne will probably be cut 10 percent due to the state's non-compliance with the Adam Walsh Act. He suggested that Directors lobby to have this legislation passed. He also stated that Ms. Veroni is looking at the legality of possibly using some of the Google settlement money to help with these projects.

\*Colonel O'Donnell had to leave the meeting and stated that Major Pereira would be his proxy for the remainder of the meeting.

Director Wall then suggested four possible options:

- Does the committee wish to vote on a particular series of projects?
- Should the committee take an equal percentage cut from each project?
- Should the committee ask a review committee to review the projects based on the 2009 criteria? or
- Should the committee ask the Policy Board to decide on the projects in September?

Ms. Veroni asked whether the projects could survive with such a large, across-the-board cut. She stated that the committee may not be able to use the 2009 priorities that were developed because the funding is different. Presiding Justice Gibney added that ranking old projects versus new projects is too arbitrary. She suggested eliminating this option.

Director Wall also asked if the projects could take that large a cut and still survive. He asked the committee for ideas. He said that Public Defender Hardiman's suggestion is to look at each project based on its merit. He stated that the Ethics Commission has ruled that despite the fact that members of the committee are also contenders for these funds, committee members can vote, as long as the projects do not benefit themselves or their families. He suggested using a democratic process for making these funding decisions.

Public Defender Hardiman stated that all the programs being considered have merit. He also suggested eliminating the new batterer's intervention project that is requesting funding. He added that this is an important project, but the committee does not have sufficient funds. He further added that for his project, timing is critical, because he will

be running out of money this month. He further suggested that the fairest thing to do would be to bring back the system from two years ago. The projects would be reviewed by people who do not have a project being considered, or ask the Policy Board to make the decision. A problem with Policy Board deciding is that members are not going to come to the meeting prepared to vote, so the better choice would be the independent evaluators.

Director Wall said that the independent evaluators worked well last time. Committee members are competitors for funding, but are also collaborators. Director Wall stated that he is interested in Public Defender Hardiman's proposal. The Grants Administration Office states that the committee still has the luxury of time. However, the local police departments cannot receive their funding until the state funding is decided. The police departments have reported that they are fine at this point in time. He further stated that the Grants Administration Office said there is time for an independent review process.

Presiding Justice Gibney said that the Drug Court will be out of money by then. Mr. Mongeau added that even if the committee made a decision today, the money will not be available until next month. Director Wall added that many programs will survive past September 30<sup>th</sup>, but no projects will survive past the first quarter.

Ms. Olivelli stated that the Court's funding is really \$137,000 and not \$141,000. This money is split among the partner agencies, and that both the Public Defender and the Attorney General will run out of money, but Probation may have some remaining funds.

Mr. Mongeau said that all agencies will be in a difficult situation no matter what is decided today. However, he added that the program time period will probably be back dated, so money can be spent now if the program is approved for continuation.

Director Stenning said that his program is out of money and is deficit spending, and the Steering Committee needs to make decisions quickly. He added that the idea of a percentage reduction is not a great idea, but would result in a quick decision that this committee could make. As a department director, he doesn't like this. However, he added that everyone can be creative and manage if necessary. Directors will find a way to make it work.

Director Wall asked how programs will survive until the next allocation is received. He stated that the committee seemed to be moving in the direction of having an independent review committee make the decision. However, timeliness is an issue, because the programs are running out of money. He asked how the programs will deal with this "gap."

Mr. LeDoux recommended making a decision this morning and then forward this to the Policy Board for a final decision, because he still needs to complete the state plan and submit it to the federal government for approval.

Presiding Justice Gibney said that in the event there was a percentage cut coming, the Drug Court has not taken on any new clients. They feel obligated to serve those who are currently in the program until they complete it. She said this is their goal. Ms. Olivelli added that they agreed not to accept any new clients after the last Steering Committee meeting, and they requested being able to run the program until June 30, 2012. It takes 12 to 18 months to complete the program. They have clients who have pled nolo and signed a contract. Director Wall added that he has the same obligation to serve Department of Corrections' clients.

Mr. LeDoux said that if committee members are concerned about existing projects running out of money, then the committee would be considering Scenario 3 or 4 and give each project some money to continue.

Director Wall suggested each program taking the same percentage cut as was done previously, which he said he believed was 5 percent. Then, the committee could consider other possible funding options, such as the Google settlement, etc. Director Wall asked for a motion.

Director Stenning moved:

**TO DIVIDE THE FUNDING AVAILABLE AMONG ALL EXISTING PROGRAM PROPOSALS TO SUSTAIN EXISTING PROGRAMS FOR THE NEXT TWO QUARTERS, WITH THE EXCEPTION OF THE NEW REQUEST FOR FUNDING OF THE BATTERER'S INTERVENTION PROJECT.**

Presiding Justice Gibney seconded the motion.

**THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. LeDoux stated that this will give each program an approximate 52 percent cut. He also added that the grant program can go back to October 2010 for expenditures incurred back to that date.

**Approval of Minutes (from No. 2 above):**

Mr. Mongeau said that Ms. Olivelli had several changes to the minutes of the meeting of June 29, 2011 (Attachment 4) on Page 7, "Project No. 7, Adult Drug Court," as follows:

- Line 9: A year's stay at the ACI can be from \$35,000 (not \$5,000)

- Line 12: . . . testing and treatment (insert) “and the partner agencies’ positions, who have had no success. . .”
- Line 13: . . . Attorney General, (insert) “BHDDH, DOC/Probation, and the Public Defender”
- Line 16: . . . \$430,000 would (delete) “not cover” and (insert) “include costs for the partner agencies.”
- Last sentence in paragraph: “It would be the decision of the (insert) “Presiding Justice, along with the partner agencies. . .”

**4. New Business:**

There was no new business.

**5. Adjourn:**

There being no further business, Director Wall asked for a motion to adjourn. Major Pereira moved:

**TO ADJOURN THE MEETING.**

Public Defender Hardiman seconded the motion.

**THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

The meeting was adjourned at 9:20 a.m.

Respectfully submitted,

Barbara J. Laird  
Recorder

Approved by:

Thomas Mongeau  
Administrative Manager

A.T. Wall, Director  
R.I. Department of Corrections  
Chair